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FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

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CLERK'S OFFICE  
AT BALTIMORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

VANCE SMITH,

Defendant

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\*  
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CRIMINAL NO. ELH-13-0399  
False Claims to the United States  
Railroad Retirement Board  
(45 U.S.C. § 359(a))

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INFORMATION

**COUNT ONE**

The United States Attorney for the District of Maryland charges that:

1. At all times material to this Information, the defendant VANCE SMITH was a resident of the State of Maryland. VANCE SMITH was an employee of CSX Transportation Inc. until he was terminated on or about December 24, 2008.
2. On or about December 30, 2008, VANCE SMITH applied to receive unemployment insurance benefits from the United States Railroad Retirement Board (the "RRB"), at the RRB District Office in Baltimore, Maryland.
3. From in or about December 2008 through in or about July 2010, VANCE SMITH submitted unemployment insurance claims to the RRB via bi-weekly mail and internet transmissions in order to receive payments from the RRB. With each of these claims, VANCE SMITH represented that he had not worked on any day within the corresponding two-week claim period, and certified the following language: "I have read Booklet UB-10 [concerning RRB

unemployment insurance benefits for railroad employees] and understand it. I know that disqualifications and civil and criminal penalties may be imposed on me for false or fraudulent statements or claims or for withholding information to get benefits. The information given on this form is true, correct, and complete."

4. On or about May 5, 2009, **VANCE SMITH** signed "RRB Form UI-35c, Certification and Authorization under the Railroad Unemployment Insurance Act," in which he certified the following language: "To receive unemployment benefits, I know that I must be UNEMPLOYED, ABLE TO WORK, and READY AND WILLING TO WORK on all days for which I claim benefits . . . I know I must REPORT, on each claim I file, the dates on which I perform any kind of railroad or nonrailroad EMPLOYMENT, including part-time and self-employment in any business or occupation."

5. From in or about May 2009 through in or about December 2011, **VANCE SMITH** worked on a part-time basis for Maxim Healthcare Services.

6. From in or about May 2009 through in or about July 2010, in the District of Maryland, the defendant,

**VANCE SMITH**

knowingly and willfully made and caused to be made false and fraudulent material statements and claims for the purpose of causing unemployment insurance benefits to be made by the United States Railroad Retirement Board under Title 45, Chapter 11, of the United States Code; that is, the defendant claimed and received unemployment insurance benefits in excess of \$12,000, knowing that the claims were false and fraudulent, in that he failed to disclose that, during the time period for which he received the unemployment insurance benefits, he was also employed

by and received wages from Maxim Healthcare Services, which disclosure would have made him ineligible for the receipt of such benefits.

45 U.S.C. § 359(a).

*Rod J. Rosenstein / MWL*  
Rod J. Rosenstein  
United States Attorney  
District of Maryland

Date: 7/31/2013